IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

:: O R D E R ::

S.B. CIVIL WRIT PETITION NO. 602/1994

Satyanarain Sharma & Anr.
Vs.
The State of Rajasthan and Ors.

DATE OF ORDER :: 6.9.2007

PRESENT

HON'BLE MR. BHANWAROO KHAN, J.

Mr. S.N. Trivedi,for the petitioners.
Mr. O.P. Rathi, Deputy Govt. Advocate.

The instant writ petition filed by the petitioners stating inter-alia that the Government by an order dated 17.4.1989 abolished the post of Additional Chief Engineer Irrigation, IGNP, Bikaner and in its place a new post of Additional Chief Engineer Irrigation (North), Hanumangarh was created. All the equipments, articles and staff were transferred from the abolished post to newly created office of Additional Chief Engineer Irrigation (North), Hanumangarh. The two CAD Circles i.e. Indira Gandhi Nagar Pariyojana, Vijaynagar and Indira Gandhi Nagar Pariyojana, CAD, Hanumangarh alongwith their staff and equipments were ordered to work under the administrative control of the Additional Chief Engineer Irrigation (North), Hanumangarh. The newly

created North Zone was kept under the administrative control of the Chief Engineer (Irrigation), Jaipur (Raj.). The two more irrigation circles Sriganganagar and Hanumangarh were kept under the administrative control of this newly created Additional Chief Engineer Irrigation (North), Hanumangarh. Both the petitioners were posted in Rajasthan Canal Project, Suratgarh in different capacity. At the time of creation of this new North Zone, the petitioner No.1 was working in North Zone whereas the petitioner No.2 was working in CAD, Hanumangarh which was under the control of this newly created North Zone. So at the time of creation of North Zone, petitioners were placed at the disposal of this North Zone alongwith other staff and seniority of all the staff was to be maintained in the newly created Zone, but their seniority were shown in the Chief Engineer, CAD, IGNP, Bikaner Zone, which is illegal because after creation of new North Zone, the seniority of staff member was to be maintained in this newly created Zone. Hence, both the petitioners seek to quash the order dated 22.1.1994 showing their seniority in the list of CAD, INGP, Bikaner Zone and also a direction to prepare the seniority list of staff within the control of Additional Chief Engineer Irrigation (North), Hanumangarh in accordance with the directions of the Governments.

Heard learned counsel for the parties.

Learned counsel for the petitioners submitted that the petitioner No.1 has already been given the relief sought by him as per Order No.F.3(18) Estt.-3-676 dated 31.1.2003 and the seniority of the petitioner No.1 is being maintained by the Additional Chief Engineer Irrigation (North), Hanumangarh. Similar relief is also sought by the petitioner No.2. Once the same relief is given by the department to the petitioner No.1, there is no occasion or ground to deny the same to the petitioner No.2, who is similarly situated qua petitioner No.1. The petitioner No.2 simply wants his seniority to be maintained by the Additional Chief Engineer Irrigation (North), Hanumangarh only.

Since the department has given a seniority of the petitioner No.1 in the Zone of Additional Chief Engineer Irrigation (North), Hanumangarh and the petitioner No.2 is also similarly situated, he should also get the same relief. For this purpose the petitioner No.2 is directed to submit a representation within fifteen days from the date of order for the relief which is being sought by him. The representation,if received by the department, the same will be decided in the light of the order passed in favour of the petitioner No.1 within a period of two months from the date of receipt of the order.

With the above observations, the writ petition stands disposed of.

(BHANWAROO KHAN)J.

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